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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,299	01/08/2007	Irving I. Dardik	061179.020200	9560
22191 7590 08/01/2008 GREENBERG TRAURIG, LLP 2101 L Street, N.W. Suite 1000 Washington, DC 20037				
EXAMINER WHITTINGTON, KENNETH				
ART UNIT 2862		PAPER NUMBER		
NOTIFICATION DATE 08/01/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dcpatdkt@gtlaw.com  
kinneyb@gtlaw.com  
andersonn@gtlaw.com

### Office Action Summary

**Application No.**

10/573,299

**Applicant(s)**

DARDIK ET AL.

**Examiner**

KENNETH J. WHITTINGTON

**Art Unit**

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
- Paper No(s)/Mail Date 3/22/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art. It should also avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because in the first sentence, it contains terms that can be implied, i.e., "are provided". Furthermore, the remaining portion of the abstract merely discloses intended uses and purported merits of the invention, rather than providing a technical disclosure of the invention. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

The drawings are objected to because FIG. 4 has shading which did not scan well and renders the features of the drawing unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Pigeon (US4061968).

Regarding claim 1, Pigeon discloses an apparatus for eddy current inspection, the apparatus comprising:

an induction probe having an input operative to receive a train of pulsed electrical packets, a cluster of pulses being superimposed on each packet (See Pigeon FIG. 4, items 20 and note disclosure related thereto); and

wherein each pulse in the cluster of pulses has an amplitude that is proportional to an instantaneous amplitude of a major wave associated with the train of pulsed electrical packets, and wherein each pulse in the cluster of pulses has a frequency that is proportional to an instantaneous frequency of the major wave associated with the train of pulsed electrical packets (See FIG. 4, items 26, 28, 30 and disclosure related thereto).

Regarding claim 2, Pigeon discloses an apparatus for eddy current inspection, the apparatus comprising:

an induction probe operative to emit a magnetic field corresponding to a train of pulsed packets, a cluster of pulses being superimposed on each packet (See Pigeon FIG. 4, items 20 and note disclosure related thereto); and

wherein each pulse in the cluster of pulses has an amplitude that is proportional to an instantaneous amplitude of a major wave associated with the train of pulsed packets, and wherein each pulse in the cluster of pulses has a frequency that is proportional to an instantaneous frequency of the major wave associated with the train of pulsed packets (See FIG. 4, items 26, 28, 30 and disclosure related thereto).

Regarding claim 3, Pigeon discloses a method for eddy current inspection, the method comprising:

generating a train of pulsed electrical packets, a cluster of pulses being superimposed on each packet, wherein each pulse in the cluster of pulses has an amplitude that is proportional to an instantaneous amplitude of a major wave associated with the train of pulsed electrical packets, and wherein each pulse in the cluster of pulses has a frequency that is proportional to an instantaneous frequency of the major wave associated with the train of pulsed electrical packets (See FIG. 4, items 26, 28, 30 and disclosure related thereto);

inputting the train of pulsed electrical packets to an electromagnetic induction circuit, the electromagnetic induction circuit emitting a magnetic field in response to the inputting (See Pigeon FIG. 4, items 20 and note disclosure related thereto);

using the magnetic fields to induce eddy currents in a material (See FIG. 4 and disclosure related thereto and col. 3, line 10 to col. 4, line 7); and

detecting the eddy currents in the material (See FIG. 4 and disclosure related thereto and col. 6, lines 10-55).

Regarding claim 4, Pigeon discloses a method for eddy current inspection, the method comprising:

generating a magnetic field corresponding to a train of pulsed packets, a cluster of pulses being superimposed on each packet, wherein each pulse in the cluster of pulses has an amplitude that is proportional to an instantaneous amplitude of a major wave associated with the train of pulsed electrical packets, and wherein each pulse in the cluster of pulses has a frequency that is proportional to an instantaneous frequency

of the major wave associated with the train of pulsed packets (See FIG. 4, items 26, 28, 30 and disclosure related thereto);

using the magnetic fields to induce eddy currents in a material (See FIG. 4 and disclosure related thereto and col. 3, line 10 to col. 4, line 7); and

detecting the eddy currents in the material (See FIG. 4 and disclosure related thereto and col. 6, lines 10-55).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US5793204 and US6952101 each teach eddy current inspection systems using superimposed signals to create a "superwaves".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH J. WHITTINGTON whose telephone number is (571)272-2264. The examiner can normally be reached on Monday-Friday, 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth J Whittington/  
Primary Examiner, Art Unit 2862